

LEWIS BRISBOIS BISGAARD & SMITH LLP

CAMI M. PERKINS

Nevada Bar No. 9149

Cami.Perkins@lewisbrisbois.com

6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

Telephone: 702.893.3383

Facsimile: 702.893.3789

Attorneys for Defendants Instant Brands, LLC,

Instant Brands, Inc and Corelle Brands, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DAVID CHARLES NELSON, an individual,,
Plaintiff,

vs.

INSTANT BRANDS, LLC, an Illinois Limited
Liability Company, INSTANT BRANDS,
INC., a Delaware Corporation, and CORELLE
BRANDS, LLC, an Illinois Limited Liability
Company,

Defendants.

Case No. 2:24-cv-00585

SUGGESTION OF BANKRUPTCY

PLEASE TAKE NOTICE that, on June 12, 2023, Defendants Instant Brands, LLC, Instant Brands, Inc. and Corelle Brands, LLC, along with certain of their affiliates, filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of Texas (the “**Bankruptcy Court**”). The Reorganized Debtors’¹ Chapter 11 Cases are being jointly administered under case number 23-

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the *Combined Disclosure Statement and Joint Chapter 11 Plan of Reorganization of Instant Brands Acquisition Holdings Inc. and its Debtor Affiliates* (the “**Plan**”). *In re Corelle Brands Acquisition Holdings Inc.*, No. 23-90716 (Bankr. S.D. Tex. Feb. 23, 2024) [Bankr. Docket No. 1146-1]. All references herein to “Articles” refer to articles of the Plan. References to the docket in this proceeding are to “District of Nevada Docket,” while references to the docket in the main Chapter 11 Case are to “Bankr. Docket No.”

1 90716 (MI).

2 PLEASE TAKE FURTHER NOTICE that, on February 23, 2024, the Bankruptcy Court
 3 entered the *Findings of Fact, Conclusions of Law, and Order (I) Confirming the Joint Chapter 11*
 4 *Plan of Reorganization of Instant Brands Acquisition Holdings Inc. and its Debtor Affiliates and*
 5 *(II) Approving the Disclosure Statement on a Final Basis* [Bankr. Docket No. 1146] (the
 6 “**Confirmation Order**”) that, among other things, confirmed the Plan.

7 PLEASE TAKE FURTHER NOTICE that each of the conditions precedent to the
 8 occurrence of the Effective Date, as set forth in Article XII, has been satisfied or waived in
 9 accordance therewith, and the Plan became effective and was substantially consummated on
 10 February 27, 2024. Bankr. Docket No. 1161.

11 PLEASE TAKE FURTHER NOTICE that, on March 27, 2024, the Bankruptcy Court
 12 entered the *Order Clarifying the Confirmation Order* [Bankr. Docket. No. 1229].

13 PLEASE TAKE FURTHER NOTICE that the Plan and its provisions are binding on, among
 14 others, the following entities: (i) the Reorganized Debtors, (ii) all Holders of Claims against, or
 15 Interests in, the Debtors, whether or not Impaired under the Plan and whether or not, if Impaired,
 16 such Holders voted to accept the Plan, (iii) any other party in interest in the Chapter 11 Cases, and
 17 (iv) each of the foregoing entity’s respective Related Parties.

18 PLEASE TAKE FURTHER NOTICE that, in accordance with Article VII.L, nothing in the
 19 Plan precludes “Holders of Product Liability Claims from (1) naming a Reorganized Debtor as a
 20 nominal defendant in an action brought in respect of a Product Liability Claim, thereby allowing,
 21 and solely to the extent required to enable, the named Reorganized Debtor to tender the applicable
 22 Product Liability Claim to the applicable Third-Party Indemnitor under all available and applicable
 23 Third-Party Indemnifications (as set forth in Article II.D), if any, as . . . adjudicated by the
 24 Bankruptcy Court in connection with Confirmation . . . , or (2) otherwise pursuing their Claims
 25 against Insurers under all available and applicable Insurance Contracts; *provided*, that none of the
 26 Reorganized Debtors shall have any obligation to participate or assist in any action brought in
 27 pursuit of any Product Liability Claims or have any liability with respect to any Product Liability
 28 Claims.” Notwithstanding the foregoing, Article VII.L further provides “[f]or the avoidance of

1 doubt, all liabilities of the Debtors, the Debtors' Estates, or the Reorganized Debtors for any Product
 2 Liability Claims shall be discharged on the Effective Date in accordance with the Plan."

3 PLEASE TAKE FURTHER NOTICE that, as described more fully in the Plan, there is
 4 ongoing litigation between the Reorganized Debtors, on the one hand, and certain of the
 5 Reorganized Debtors' former suppliers, on the other, pertaining to Article VIII.L (the "**Suppliers'**
 6 **Litigation**").

7 PLEASE TAKE FURTHER NOTICE that, under paragraph 31(a) of the Confirmation
 8 Order, "all alleged Product Liability Claims (including claims seeking Third Party Indemnification)
 9 are hereby stayed and enjoined pending a Final Order fully resolving the [Suppliers' Litigation]".

10 PLEASE TAKE FURTHER NOTICE that, as a result of the foregoing, this matter remains
 11 stayed and enjoined pursuant to the Confirmation Order pending resolution of the Suppliers'
 12 Litigation.

13 PLEASE TAKE FURTHER NOTICE that, even if the Suppliers' Litigation is ultimately
 14 resolved in a way such that this proceeding may resume, this proceeding may only resume if and to
 15 the extent the Plaintiff's Claims are deemed Allowed in accordance with the Plan. Moreover, the
 16 Reorganized Debtors expressly reserve all rights to Disallow, contest, challenge the validity of, or
 17 otherwise defend against, any such Claims in the Bankruptcy Court or non-bankruptcy forum, in
 18 accordance with the Plan.

19 PLEASE TAKE FURTHER NOTICE that copies of the Plan, the Confirmation Order, and
 20 all other documents publicly filed in the Chapter 11 Cases, as well as additional information about
 21 the Chapter 11 Cases, can be accessed free of charge by visiting the Reorganized Debtors' case
 22 information website located at <https://dm.epiq11.com/InstantBrands>.

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1 DATED this 3rd day of May, 2024

2 Respectfully submitted,

3 LEWIS BRISBOIS BISGAARD & SMITH LLP

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5 By /s/ Cami M. Perkins

6 CAMI M. PERKINS

7 Nevada Bar No. 9149

8 6385 S. Rainbow Boulevard, Suite 600

9 Las Vegas, Nevada 89118

10 Tel. 702.893.3383

11 *Attorneys for Defendants Instant Brands, LLC,*
12 *Instant Brands, Inc. and Corelle Brands, LLC*
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2024, a true and correct copy of **SUGGESTION OF BANKRUPTCY** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Susan Awe
Susan Awe, an Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP